

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIA KHAN,

Plaintiff,

-v-

Z & D TOUR, INC., FEDEX GROUND PACKAGE
SYSTEM, INC. and PENSKE TRUCK LEASING CORP.,

Defendants.

21 Civ. 1476 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

This case concerns a multi-vehicle accident that occurred on January 5, 2020 on the Pennsylvania Turnpike in the state of Pennsylvania. *See* Dkt. 4-1 (“Compl.”) ¶¶ 58–59. Plaintiff Julia Khan (“Khan”) alleges that she was injured in that accident as a result of the defendants’ negligence and seeks recovery for her injuries. *See id.* ¶¶ 62–67.

On April 1, 2021, defendant FedEx Ground Package System, Inc. (“FedEx”) filed a motion to dismiss the complaint for lack of personal jurisdiction or in the alternative, pursuant to the “first-filed” rule, to transfer the case to the Western District of Pennsylvania, where an earlier filed case arising out of the same accident is pending. *See* Dkt. 12-1 at 11–15. Both Z&D Tour, Inc. and Penske Truck Leasing Corp. have submitted letters indicating that they join FedEx’s motion as to the motion to transfer. *See* Dkts. 20, 22. On April 23, 2021, Khan submitted a letter indicating that she does not oppose the motion to transfer the case to the Western District of Pennsylvania, with the understanding that defendants will not challenge personal jurisdiction in that forum. Dkt. 23. At the initial pretrial conference held on April 8, 2021, the defendants indicated that if transferred to the Western District of Pennsylvania, they would not challenge personal jurisdiction.

Accordingly, the Court grants FedEx's motion to transfer the case to the Western District of Pennsylvania. The Clerk of the Court is respectfully directed to terminate the motion pending at docket 12 and to transfer this case to the United States District Court for the Western District of Pennsylvania.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: April 27, 2021
New York, New York